

Remarks/Arguments

A. Status of the Claims

No claims have been canceled or added. Claims 62-71 are withdrawn from consideration at this time. Therefore, claims 28-61 are pending.

B. Restriction Requirement

The Examiner requests restriction to one of the following two groups: Group I: Claims 28-62, drawn to a method; Group II: Claims 62-71, drawn to an article. Office Action at page 3. In support of this restriction, the Examiner alleges that these Groups “do not relate to a single general inventive concept” in view of cited art references WO 02/092524 (to Lacan *et al.*) and U.S. Patent 6,143,358 (Singh *et al.*). *Id.*

Applicants elect Group I (claims 28-62) with traverse. A restriction between Groups I and II is improper for at least two reasons. First, Applicants respectfully note that Lacan *et al.* is not prior art to the presently claimed invention. Indeed, this cited reference is not “by others,” as both Lacan *et al.* and the currently claimed invention have the same inventive entity, namely Pascale Lacan and Dominique Conte. As such, Lacan *et al.* is not prior art under 35 U.S.C. § 102(a) or (e), and therefore, does not qualify as prior art for use in an obviousness rejection under 35 U.S.C. § 103(a).

Second, even if Lacan *et al.* was prior art to the claimed invention (which it is not), the combination of Lacan *et al.* and Singh *et al.* fails to disclose or suggest every element of the claimed invention. Thus, the special technical feature in claims 28 and 62 provides a contribution over Singh *et al.*

For at least the above reasons, restriction between Groups I and II is therefore improper. Applicant therefore requests that the restriction be withdrawn.

C. The Obviousness Rejections are Overcome

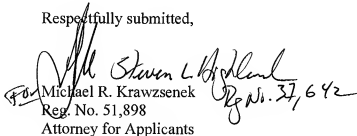
Claims 28-61 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Lacan *et al.* in view of Singh *et al.* Claims 57-60 are further rejected over Lacan *et al.* in view of Singh *et al.* in view of Medwick *et al.* It is important to note that both of these rejections rely on Lacan *et al.* as the primary reference.

Applicants disagree with these rejections for at least the same reasons discussed in the above section—*i.e.*, (1) Lacan *et al.* is not prior art to the claimed invention and (2) even if it were, all of the elements are not disclosed by the combination of the cited references. Thus, the claimed invention is not obvious in view of Lacan *et al.*, Singh *et al.* and Medwick *et al.* Applicants respectfully request withdrawal of these rejections.

D. Conclusion

In light of the foregoing, applicants submit that all claims are in condition for allowance, and an early notification to that effect is earnestly solicited. The Examiner is invited to contact the undersigned attorney at (512) 536-3020 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,


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